The specification of which a. ⊠ is attached hereto

described and claimed in international no.

as application serial no.

b. was filed on

United States patent.

MERCHANT & GOULD P.C.

(if applicable) (in the case of a PCT-filed application)

(if any), which I have reviewed and for which I solicit a

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: APPARATUS AND METHOD FOR APPLYING CARDIAC SUPPORT DEVICE

and was amended on

filed

and as amended on

I hereby state that I have revi any amendment referred to a	iewed and unde bove.	rstand the contents of	the above-identified spe	ecification, ir	ncluding the claims, as amended by	
I hereby claim foreign prioric certificate listed below and h that of the application on the	ave also identif	ied below any foreigr	ites Code, § 119/365 of a application for patent o	any foreign a or inventor's o	pplication(s) for patent or inventor certificate having a filing date befo	
a. \(\square\) no such applications h b. \(\square\) such applications have		ollows:				
	FOREIGN APP	LICATION(S), IF ANY,	CLAIMING PRIORITY UN	DER 35 USC §	§ 119	
COUNTRY	APPLIC	ATION NUMBER	DATE OF FILING (day, month, year)		DATE OF ISSUE (day, month, year)	
ALL	FOREIGN APPL	ICATION(S), IF ANY, F	FILED BEFORE THE PRIO	RITY APPLIC	CATION(S)	
COUNTRY	· · · · · · · · · · · · · · · · · · ·	ATION NUMBER	DATE OF FILING (day, month, year)		DATE OF ISSUE (day, month, year)	
below and, insofar as the sub	oject matter of e paragraph of T Federal Regulat	ach of the claims of t itle 35, United States ions, § 1.56(a) which	his application is not dis Code, § 112, I acknowle	closed in the edge the duty	r international application(s) listed prior United States application in to disclose material information a the prior application and the nation	
U.S. APPLICATION NUMBER		DATE OF FILING (day, month, year)		STATUS (patented, pending, abandoned)		
I hereby claim the benefit un	ider Title 35, U	nited States Code § 1	19(e) of any United State	es provisiona	al application(s) listed below:	
U.S. PROVISIONAL APPLICATION NUMBER			D.A	DATE OF FILING (Day, Month, Year)		
				_		

I acknowledge the duty to disclose information that is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (reprinted below):

§ 1.56 Duty to disclose information material to patentability.

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
 - (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
 - (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;

or

- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
 - (1) Each inventor named in the application:
 - (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.
- (e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Ali, M. Jeffer	Reg. No. 46,359		
Altera, Allan G.	Reg. No. 40,274	Lauer, Deakin T.	Reg. No. 47,892
Anderson, Gregg I.	Reg. No. 28,828	Leach III, Thomas J.	Reg. No. P-53,188
	Reg. No. 32,960	Leonard, Christopher J.	Reg. No. 41,940
Batzli, Brian H.	Reg. No. 27,612	Lewis, George C.	Reg. No. 53,214
Beard, John L.	Reg. No. 43,496	Liepa, Mara E.	Reg. No. 40,066
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Daignault, Ronald A.	Reg. No. 25,968		Reg. No. 25,148
Daley, Dennis R.	Reg. No. 34,994	Qualey, Terry	Reg. No. 50,719
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DeVries Smith, Katherine M.	Reg. No. 42,157	Reiland, Earl D.	Reg. No. 39,828
DiPietro, Mark J.	Reg. No. 28,707	Schmaltz, David G.	_
Doscotch, Matthew A.	Reg. No. 48,957	Schuman, Mark D.	Reg. No. 31,197
Edell, Robert T.	Reg. No. 20,187	Schumann, Michael D.	Reg. No. 30,422
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Golla, Charles E.	Reg. No. 26,896	Sorge, Keith M.	Reg. No. 50,865
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Keys, Jeramie J.	Reg. No. 42,724		
Knearl, Homer L.	Reg. No. 21,197		
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Kowalchyk, Alan W.	Reg. No. 31,535		
Kowalchyk, Katherine M.	Reg. No. 36,848		
Lamberty, Michael	Reg. No. 50,760		
Larson, James A.	Reg. No. 40,443		
		d communicate directly with the person/a	ssignee/attorney/firm/ or

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Merchant & Gould P.C. to the contrary.

I understand that the execution of this document, and the grant of a power of attorney, does not in itself establish an attorney-client relationship between the undersigned and the law firm Merchant & Gould P.C., or any of its attorneys.

Please direct all correspondence in this case to Merchant & Gould P.C. at the address indicated below:

Merchant & Gould P.C. P.O. Box 2903 Minneapolis, MN 55402-0903

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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